IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 29TH NOVEMBER 2007 / 8TH AGRAHAYANA 1929

WP(C).No. 35227 of 2007(R)

OPELE.11/2005 of MUNSIF COURT, KUTHUPARAMBA
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PETITIONER:

JOSHI VELLAPANIYIL, S/O.CHERIYAN @ PAPPACHAN, KEEZHPALLY P.O., ARALAM, THALASSERY TALUK, PIN-670 704.

BY ADV. SRI.KURIAN GEORGE KANNAMTHANAM (SR.)
SRI.TONY GEORGE KANNANTHANAM

RESPONDENTS:
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1. **KANNANKULATH LISA, W/O.DEVASIA, RESIDING AT KANNANKULATH HOUSE, ARALAM AMSOM DESOM, P.O.KEEZHPALLY, THALASSERY TALUK. PIN 670 704.**

2. **SHYJA.P.GEORGE @ SHYJA VELLAPANIYIL, W/O.JOSHI, RESIDING AT -DO-.**

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/11/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

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W.P.C. NO. 35227 OF 2007

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Dated this the 29th day of November, 2007.

J U D G M E N T

This writ petition is filed against the order of the Munsiff, Kuthuparamba in I.A.1912/07 in O.P.11/05. By the above said order the learned Munsiff had refused to summon and examine the District Electoral Officer. Earlier the matter came up before this Court and the issue involved in the case is regarding double voting. This Court held that in order to prove double voting one has to pass three stages namely that the name of the persons appear in the voters list of two wards and that they are the same persons and lastly that they have exercised their franchise more than once.

2. Now, the learned counsel for the writ petitioner submits before me that the voters list has come and it can be only proved through the officer authorized to do it and therefore he wants to examine the said officer for that purpose alone at this stage. I feel the request is absolutely in order and therefore I direct the Court below to summon the

Electoral Officer in order to prove the voters list and the connected documents relied upon by the petitioner for the purpose of proving that the name of persons alleged to have cast double voting figures in two voters list of different wards and that they are the very same persons. The Court need not and the writ petitioner shall not attempt to adduce any evidence regarding double voting at that stage and that can be done only after a prima facie satisfaction is entered into by the Court regarding the first two aspects.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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